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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION,NO.
10/699,354	10/31/2003	Douglas paul Beneteau	134354	2531

7590 01/16/2008  
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EXAMINER
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AFZALI, SARANG

ART UNIT	PAPER NUMBER
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3726

MAIL DATE	DELIVERY MODE
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01/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/699,354		BENETEAU ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Sarang Afzali		3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment filed 11/13/2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 8-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The applicant's amendment filed on 5/21/2007 has been fully considered and made of record.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Randolph Jr. et al. (U.S. 6,453,211) in view of Applicant's Admitted Prior Art (AAPA) and further in view of Burke et al. (US 6,508,000).
4. As applied to claim 1, Randolph Jr. et al. teach a method of repairing a damaged gas turbine blade comprising of the steps:

determining an airfoil reparability limit (the limit is the "permitted tolerances from the nominal configuration" in order to return the damaged blade to a near-original configuration, col. 4, lines 23-26);

determining a portion of titanium alloy material to be removed based on the determined airfoil reparability limit;

removing titanium alloy material from along leading and trailing edges of the airfoil, and along a radially outer tip of the airfoil to form respective leading edge and trailing edge, with each define cut-back depths;

depositing titanium weld material onto the leading edge and trailing edge cut-backs; and

removing at least some of the titanium weld material to obtain pre-desired finished dimensions for the leading and trailing edges.

Note that Randolph Jr. et al. teaches (Fig. 3 and col. 2, lines 14-29 and col. 9, lines 44-54) the steps of determining a reparability limit, removing titanium material from the damaged area of the leading edge (42) of each blade (12b) based on the determined limit, step of depositing titanium weld material onto the leading edge (42) of each blade (12b), and step of removing at least some of the titanium weld material to obtain a desired finish for each blade (12b) and further teaches that the same procedure can be made on the trailing edge (44, Fig. 3, col. 9, lines 44-46) of each blade (12b).

Randolph Jr. et al. fails to explicitly teach the repair done on "a radially outer tip of the airfoil" or that the airfoil reparability limit defines a "maximum chord reduction."

AAPA teach a known method of repairing a turbine compressor blade including mechanically removing, such as by grinding a worn and/or damaged tip area and then adding a material deposit to the tip to form the tip to a desired dimension (paragraph [0005], lines 1-8). Note that the grinding step would make a cut-back in the tip area by removing the damaged portion.

Burke et al. teach a method of repairing a damaged gas turbine engine component such as an airfoil blade (18, Fig. 6) wherein depending on the severity of the damaged area, either a full length or only localized/partial sections are replaced/repared (col. 11, lines 5-11 and 27-32). Also, note that Burke et al. teach the repair is not only done on the damaged leading and trailing edges but also on the tip area extended from the leading edge to the trailing edge of the blade airfoil (col. 12, lines 13-15, Fig. 5).

It would have been obvious to one of ordinary skill in the art at the time of invention to have provided Randolph Jr. et al. with the repair of the outer tip portion as taught by AAPA including the necessary length and size of the repair as taught by Burke et al., in order to provide an effective way of replacing a worn or damaged tip area of a compressor blade.

It would have been further obvious to one of ordinary skill in the art at the time of invention to have provided Randolph Jr. et al./AAPA/Burke et al. with the steps of measuring and determining the damaged area on the airfoil, comparing it with the pre-damaged areas, and determining the extensiveness of the repair needed in order to remove the damaged portion and provide the repair on the damaged portion based on the determined information in order to obtain a desired finish for each blade that would match the pre-damaged profile of the airfoil.

Note that Applicant (Remarks, page 1, lines 12-14, 19-22) submits that "one of ordinary skill in the art would have no difficulty in understanding the scope and meaning of "maximum chord reduction" in the context of the present invention as described in the

specification" and that "is known in the art, the "maximum chord reduction" defines a maximum chordwise limit as to an amount of leading edge and trailing edge cutbacks that can be made using the recited repair method for the airfoil to remain functional."

Therefore, based on the above argument, the Examiner considers Applicant Admitted Prior Art (AAPA) that it would have been obvious to one of ordinary skill in the art, at the time of invention to have determine a maximum chordwise limit in order to determine how much cutbacks are allowed to be made on in repairing the leading and trailing edges of an airfoil such that the airfoil would remain functional.

5. As applied to claim 2, Randolph Jr. et al./AAPA/Burke et. teach a method wherein removing titanium alloy material further comprises machining away titanium alloy material along only the radially outermost portions of the leading and trailing edges extending from the tip towards a base of the airfoil (Fig. 3).

6. As applied to claim 3, Randolph Jr. et al./AAPA/Burke et al. teach a method wherein machining away titanium alloy material along only the radially outermost portions of the leading and trailing edges further comprises forming a rounded corner between the leading edge and trailing edge cut-backs and un-machined portions of the airfoil extending between the leading and trailing edge outermost portions and the base of the airfoil (Fig. 3).

7. As applied to claim 4, Randolph Jr. et al./AAPA/Burke et al. teach a method wherein forming a rounded corner between the leading edge and trailing edge cut-backs and un-machined portions of the airfoil further comprises forming a semi-circular corner that has a predetermined arc and radius of curvature (Fig. 3).

8. As applied to claim 5, Randolph Jr. et al./AAPA/Burke et al. teach a method wherein machining away titanium alloy material along only the radially outermost portions of the leading and trailing edges further comprises machining away titanium alloy material along a length of about half a span of the airfoil between the tip and the base of the airfoil (Fig. 3).

9. As applied to claim 6, Randolph Jr. et al./AAPA/Burke et al. teach a method wherein machining away titanium alloy material along only the radially outermost portions of the leading and trailing edges further comprises blending the titanium weld material (Fig. 3).

As applied to claim 7, Randolph Jr. et al./AAPA/Burke et al. teach a method wherein machining away titanium alloy material along only the radially outermost portions of the leading and trailing edges further comprises contouring the leading edge (Fig. 3).

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-7 in a reply dated 11/13/2007 have been considered but they are not persuasive.

11. Applicant's amendment to claim 1, overcomes the rejection of claims 1-7 under 35 USC, 112, second paragraph, however, upon further review, a new rejection of claims 1-7 based on 35 USC 112, first paragraph is set forth.

12. As for claims 1-7, rejected under 35 USC 103(a) as being unpatentable over Randolph Jr. et al. in view of AAPA and further in view of Burke et al., Applicant mainly presents the same argument as previously been addressed by the Examiner.

In regards to Applicant's argument (Remarks, page 4, paragraph 4) that one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. It appears that the present rejection reflects an impermissible attempt to use the instant claims as a guide or roadmap in formulating the rejection using impermissible hindsight reconstruction of the invention, the Examiner respectfully disagrees with the above arguments and reiterates that Randolph Jr. et al. teaches (Fig. 3 and col. 2, lines 14-29 and col. 9, lines 44-54) the steps of invention cited including step of removing titanium material from the damaged area of the leading edge (42) of each blade (12b), step of depositing titanium weld material onto the leading edge (42) of each blade (12b), and step of removing at least some of the titanium weld material to obtain a desired finish for each blade (12b) and further teaches that the same procedure can be made on the trailing edge (44, Fig. 3, col. 9, lines 44-46) of each blade (12b).

AAPA is only relied upon to show that it is well known in the art to remove a damaged area of the tip and then adding material deposit to the tip and Burke is only relied upon to teach that it is well known in the art to repair/replace a full length or only localized/partial sections on leading, trailing and tip areas of an airfoil.

As such, there is valid motivation, suggestion and teaching of the desirability of making the specific combination.



***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarang Afzali whose telephone number is 571-272-8412. The examiner can normally be reached on 7:00-3:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Application/Control Number:  
10/699,354  
Art Unit: 3726

Page 9

published applications may be obtained from either Private PAIR or Public PAIR.

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SA  
1/10/2008



DAVID P. BRYANT  
SUPERVISORY PATENT EXAMINER

1/14/08